

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 40 ROYAL LANE YIEWSLEY

Development: Two storey attached 1-bed dwelling with associated parking and amenity space

LBH Ref Nos: **10789/APP/2019/1414**

Drawing Nos: P/4003 Rev. A
P/4002 Rev. A
P/4001 Rev. A
Design and Access Statement

Date Plans received : 01/05/2019

Date(s) of Amendment(s):

Date Application Valid: 01/05/2019

1. **SUMMARY**

This current application is a re-submission of a previously refused application under reference 10789/APP/2018/4145 dated 25/2/2019 for the erection of two storey, two bed attached dwelling with associated parking and amenity space

The main difference in this re-submission is that the proposal is for the erection of a two storey, one bed attached dwelling with associated parking and amenity space.

The proposal would still result in a new attached house to the side of No. 40 Royal Lane and the reduction in the openness on this prominent corner plot would still give rise to a cramped form of development.

The proposed dwellinghouse would also result in loss of sunlight, appear unduly dominant and overbearing from the adjoining properties at Nos. 2A and 2 Birch Avenue and result in a loss of privacy from Nos. 2A, 2, 4 and 6 Birch Avenue.

As with the previous application no information has been provided as regards existing trees on the site and lacks private amenity space. The proposal also proposes two off street parking spaces for both the host and proposed new dwelling, is contrary to policies AM14 and AM7 and the Council's car parking standards.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed attached house by reason of its position on this open prominent corner site would reduce the visual openness and result in the closing of an important gap, characteristic to the area, which currently exists at this road junction, giving rise to a cramped form of development. The proposal would therefore be detrimental to the character and visual amenities of the street scene and the wider area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposed dwellinghouse, by virtue of its overall size, scale, bulk, height, siting and proximity, would be detrimental to the amenities of the adjoining occupiers at 2A and 2 Birch Avenue by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

3 NON2 Non Standard reason for refusal

The proposed dwellinghouse, by reason of the siting and position of the proposed first floor rear windows, would result in the direct overlooking of the adjoining properties at 2A, 2, 4 and 6 Birch Avenue causing an unacceptable loss of their privacy. The proposal is therefore contrary to Policies BE19 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

4 NON2 Non Standard reason for refusal

In the absence of a tree survey or arboricultural impact assessment, the applicant has failed to demonstrate that existing trees which contribute to the character of the area will be unaffected by the development and has not made provision for their long term retention/or justified their removal. The proposal is therefore contrary Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

5 NON2 Non Standard reason for refusal

The proposal has not demonstrated that sufficient off street parking/manoeuvring/access arrangements would be provided, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standard, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning HDAS Guide: Residential Layouts.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

3 I74 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

4 I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice

service. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site measures approximately 159sq.m and forms the side area of No. 40 Royal Lane, a two storey end of terrace house which has not been extended. The application site is located on the south east side of Royal Lane at its junction with Birch Avenue. To the north lies No. 2A Birch Avenue, a new two storey end of terrace house. The street scene is residential in character and appearance comprising blocks of two storey terraced and semi-detached houses.

The site forms part of the 'developed area' as identified in the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application proposes a two storey one-bed attached dwelling with associated parking and amenity space

3.3 Relevant Planning History

10789/APP/2018/4145 40 Royal Lane Yiewsley

Two storey semi-detached dwelling with associated amenity space.

Decision: 25-02-2019 Refused

Comment on Planning History

10789/APP/2018/4145 for the erection of two storey two bed attached dwelling with associated parking and amenity space - Refused - dated 25/2/2019

With regard to No. 2A Birch Avenue, following the refusal of 3 applications for a new dwelling on this site, the first two of which were dismissed at appeal (App. Nos. 64705/APP/2008/2035, 2009/1812 and 2012/1761 refer) planning permission was granted for a new end of terrace house on 20/5/13 (App. No. 64705/APP/2013/602 refers).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

EXTERNAL

14 neighbouring properties have been consulted by letter dated 3/5/2019 and a site notice was displayed to the front of the property which expired on 6/6/2019

No local response

TREES AND LANDSCAPING

This site is occupied by the side garden of a two-storey end of terrace house on the east side of Royal Lane near the junction with Birch Avenue. The whole garden plot is triangular, thinning to a point at the north end. There are no TPO's or Conservation Area designations affecting the site, but there are various trees, including evergreen conifers which contribute to the visual amenity of the area.

COMMENT: This is a re-submission of application ref. 2018/4145 which was refused. None of the previous tree/landscape issues have been addressed. The existing trees which influence the site have not been acknowledged in the D&AS or indicated on plan.

RECOMMENDATION: This application should be refused as it fails to satisfy saved policy BE38. In the absence of a tree survey or arboricultural impact assessment, the applicant has failed to demonstrate that existing trees will be unaffected by the development and has not made provision for their retention /or justified their removal.

6. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

DMH 4 Residential Conversions and Redevelopment

DMHB 11 Design of New Development

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LPP 3.3 (2016) Increasing housing supply

LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The Council's adopted HDAS SPD: Residential Layouts (July 2006) specifies in paragraph 4.9 that where a two or more storey building abuts a property or its garden, a minimum acceptable distance of 15m should be maintained, so as to overcome possible over-domination, overbearing and overshadowing. Paragraph 4.11 of the HDAS SPD specifies that the Council's 45 degree principle will be applied and is designed to ensure that adequate daylight and sunlight is enjoyed in new and existing dwellings. The principle involves drawing a line from the mid-point of an existing/new window that is potentially affected by a new dwelling at an angle of 45 degrees towards the new building. Paragraph 4.12 of the HDAS SPD specifies that new residential development should be designed so as to ensure adequate privacy for its occupants and that of adjoining residential properties. It gives advice that the distance should not be less than 21m between facing habitable room windows.

The proposed new dwelling would be sited to the south of and approximately 7m from the nearest rear elevation of the properties in Birch Avenue. In such a relationship, the proposal would result in the loss of sunlight to the rear amenity space of these properties from late morning onwards and given the 7m separation distance, which is considerably less than the minimum acceptable distance of 15m, the proposed dwelling would have an adverse impact upon occupants of Nos. 2A and 2 Birch Avenue by way of a loss of sunlight, outlook and overdominance. As such the proposal is contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

There are first floor rear windows, one of which serves a bedroom which would allow the direct overlooking of the rear elevations and rear gardens of Nos. 2A, 2, 4 and 6 within a 21m distance and a 45 degree line of sight. As such, these properties would experience a significant loss of privacy. As such the proposal is contrary to Policies BE19 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.2 Impact on Street Scene

The NPPF (2016) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Policy 7.1 of the London Plan states that "design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood".

Policy 7.4 of the London Plan states, "Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area".

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'. BE22 advises that new residential buildings of two or more storeys should generally be set back from the side boundary by a minimum distance of 1m. Paragraph 4.14 of the Residential Layouts HDAS SPD specifies that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. Paragraph 4.27 of the HDAS SPD gives advice that building lines within a new development should relate to the street pattern of the surroundings whilst the height of the development is best determined by reference to the proportions, siting and lines of surrounding buildings.

The proposed attached house on this open prominent corner site would reduce the visual openness and result in the closing of an important gap, characteristic to the area, which currently exists at this road junction, giving rise to a cramped form of development. The proposal would therefore be detrimental to the character and visual amenities of the street scene and the wider area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Documents HDAS Residential Layouts.).

Trees

The Council's Tree Officer previously advised that in the absence of a tree survey or arboricultural impact assessment, the applicant failed to demonstrate that existing trees which contribute to the character of the area would be unaffected by the development and it is noted that this still has not been addressed in this current application and no provision has been made for their long term retention/or justified their removal. The proposal is therefore remains contrary Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.3 Traffic Impact/Pedestrian Safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The access to the site is as existing and would remain unchanged. Therefore, this would be acceptable.

The total number of proposed parking spaces is 2, one to serve the proposed dwelling and one to serve the host dwelling. The submitted plans do not indicate the provision of any secure cycle storage. The site is located in an area with a PTAL level of 2 which is considered poor and thus the occupants of the existing and new dwellings would rely to a greater extent on private cars.

The proposal would result in the loss of a parking space for the host dwelling and result in a substandard parking provision. As such the proposal has not demonstrated that sufficient off street parking/manoeuvring/access arrangements would be provided, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standard, leading to possible on-street parking /queuing to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.4 Carparking & Layout

As discussed above

7.5 Urban Design, Access and Security Considerations

Policy H7 of the Hillingdon Local Plan: Part 2 -UDP Saved Policies states the conversion of residential properties into more units will be regarded as acceptable in principle provided this can be achieved without causing demonstrable harm to the residential amenities or character of the area, or the amenity of the adjoining occupiers and the following criteria are met.

- i) It can be demonstrated that adequate sound insulation is provided.
- ii) Car parking to the standards adopted by the local planning authority can be provided within the curtilage of the site and can be accommodated without significant detriment to the street scene.
- iii) All units are self contained with exclusive use of sanitary and kitchen facilities and with individual entrances and internal staircases are provided to serve units above ground floor level.
- iv) Adequate amenity space is provided for the benefit of residents of the proposed development.

The control of noise disturbance between the proposed units, given that these would be 2 houses does not arise.

Car parking provision is discussed above.

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

A one-bedroom two storey property for 2 persons is required to provide 58 sq.m of internal floor area. The proposed development would provide 67 sq.m of floor area, which would comply with minimum requirements. The double bedroom within the new house would have internal floor area sufficiently satisfying minimum National Housing standards of 11.5 sqm at 12.8 sqm

Amenity space is provided for both the units. The host dwelling would provide 81 sqm of private amenity space. The new dwelling would provide a rear garden space of 36 sq.m. A minimum area for a 2 or 3 bedroom house is 60 sq.m according to the guidance under HDAS Residential Layouts. Therefore, it is considered that the scheme would not provide an appropriate quality of internal space and external amenity which fails to comply with HDAS Residential Layouts and The London Plan (March 2016).

7.6 Other Issues

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

Presently calculated the figures would be;

LBH CIL £15,678.61

London Mayoral CIL £10,523.95

Total £26,202.56

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Technical Housing Standards - Nationally Described Space Standard
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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